

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, August 20, 2007 at Westfield Town Hall. Members present included David Mueller, Martin Raines, Bill Sanders, Cindy Spoljaric and Craig Wood. Also present were Kevin Todd, Jennifer Miller, and Town Attorney, Brian Zaiger.

APPROVAL OF MINUTES

Spoljaric moved to approve the June 18, 2007 minutes as presented.

Mueller seconded, and the motion passed unanimously by voice vote.

Wood reviewed the Public Hearing Rules and Procedures.

OLD BUSINESS

0707-VS-021 20831 Anthony Road, Amy Hittle: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B6b), to reduce the side yard setback from 30 feet to 15 feet in the AG-SF1 District.

0707-VS-022 20831 Anthony Road, Amy Hittle: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B1), to reduce the setback for stables in the AG-SF1 District.

Mr. Justin Rusher of Hittle Construction presented the details of the variance requests. The first request would allow a pole barn on the north side of the property at a reduced side yard set back. The second request would legally establish the setbacks for an existing horse stable. Rusher stated that the barn would be used to store personal equipment, and in order to gain access, the barn would need to be built closer to the property line than the ordinance allows. He further stated that a riding arena is located south of the existing residential structure and a pasture is located west of the residential structure.

Wood asked about the number of animals on the property.

Rusher responded that there are currently two sheep and two horses. He further stated that the stable could accommodate up to six horses; he added that the horses are for personal use and the sheep are for 4-H. Rusher stated that the stable would not be used for boarding or commercial use.

Mueller asked about the finish material for the barn floor.

Rusher responded that half of the floor would be concrete and the other half of the floor would be gravel.

A Public Hearing opened at 7:16 p.m.

No one spoke, and the Public Hearing closed at 7:17 p.m.

Raines moved to approve 0707-VS-021 and 0707-VS-022 with the following conditions:

1. That no further future reductions of the northern side yard occur; and,
2. That no further encroachment on the north and south side yards occur.

Sanders seconded, and the motion passed unanimously.

Spoljaric moved to adopt staff's Findings of Fact.

Sanders seconded, and the motion passed by voice vote.

0707-VS-023 Northwest corner of 146th Street and Spring Mill Road, Merrimac Homeowner's Association, Inc.: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.08.010, F1), to allow for a subdivision identification sign in a location other than an entrance to the subdivision.

Mr. William Mangle, Treasurer, Merrimac HOA, presented the details of the variance request, which is to replace the current temporary sign at the corner of 146th Street and Spring Mill Road with a permanent subdivision identification sign. Mangle noted that the permanent sign would be the same type of sign that currently exists at all of the entrances to the subdivision.

Wood asked if the new sign would have "Of Westfield" added.

Todd responded that they would be required to add "Of Westfield" to the new sign.

Mueller asked if the dimensions of the proposed sign comply with the Sign Ordinance.

Todd responded that the dimensions comply with the requirements for subdivision entrance signs.

Mueller asked if the sign would be lighted.

Mangle responded that the sign will be lighted and that the existing light poles will likely be removed.

A Public Hearing opened at 7:23 p.m.

No one spoke, and the Public Hearing closed at 7:24 p.m.

Sanders moved to approve 0707-VS-023 with the following conditions:

1. That the subdivision identification sign be constructed to the specifications and dimensions outlined in the attached plans; and,
2. That the subdivision identification sign include the words "Of Westfield."

Mueller seconded, and the motion passed unanimously.

Sanders moved to adopt staff's Finding of Fact.

Raines seconded and the motion passed by voice vote.

NEW BUSINESS

0708-VU-003 546 North Union Street, William & Robbie Webster: The Appellant is requesting a Variance of Use from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, E1), to allow for a cosmetology salon in the SF-3 District.

Spoljaric recused herself from this item.

Mr. and Mrs. William Webster presented the details of the variance of use, which is to allow a cosmetology salon on the subject property.

Mueller asked about the future vision of the property.

Webster responded that they would install landscaping in compliance with the zoning ordinance, provide a paved parking lot, and maintain the Victorian architecture of the structure. Webster further stated that the interior design and layout has not yet been determined.

Mueller asked if storm drainage has been addressed for the site.

Todd responded that the parking lot improvement would require Development Plan Review approval. Technical Advisory Committee review and approval of site drainage would be required as a part of the DPR process.

Wood asked about the hours of operation.

Webster responded that the business would be open from 8:00 a.m. to 8:00 p.m., Monday through Saturday.

Wood asked how many operators.

Webster responded that there would be no more than five chairs.

Mueller expressed concern with neighboring property values, and requested that a condition be added that ties the variance to the property owners.

Zaiger suggested that if the Board desired to tie the variance to the property owner, that they include a time limit as well.

A Public Hearing opened at 7:50 p.m.

Wood stated there was one written submission regarding this petition.

Mr. Rob Skelton stated he was not necessarily opposed to this business but expressed concern about trash collection, parking lot lighting, and having the privacy fence extend to the south property line in order to not disturb the surrounding residents.

Webster agreed to extend a privacy fence along the southern property line. He also stated that any parking lot lighting will comply with the Town's standards.

The Public Hearing closed at 7:58 p.m.

Raines moved to approve 0708-VU-003 with the following conditions:

1. That two (2) off-street parking spaces per chair/station plus one (1) off-street parking space per employee during the largest shift be provided per the standards found in WC 16.04.120, 2;
2. That any portion of an off-street parking lot that is not effectively screened by the existing structure, as determined by the Director, shall be screened per the landscaping standards found in WC 16.06.070, B1b; B1c; and B2;
3. That any wall signage shall comply with the Home Occupation signage standards, as prescribed in WC 16.08.010, F2 and F3;
4. That any monument signage shall comply with the following:
 - a. One (1) monument sign shall be permitted for the business;
 - b. The display area shall not exceed sixteen (16) square feet per face;
 - c. The monument sign, including any base and cap feature, shall not exceed four feet (4') in height from grade;
 - d. The monument sign shall not be internally lit;
5. That awning and projecting signs are prohibited;
6. That WC 16.08.010, J (Sign Area Bonus) shall not be available to this site;
7. That the structure and any additional site improvements comply with all ADA accessibility requirements;
8. That any parking lot lighting comply with all applicable standards found in WC 16.04.120, 2 (Off Street Parking) and WC 16.07.101 (Lighting Standards);
9. That the trash collection conform to standard residential trash collection practices;
10. That a six foot (6') wood privacy fence be installed along the southern property line; and,
11. That this variance of use be rendered null and void when the owner of record at the time of approval (Mr. William Webster on August 20, 2007) ceases to own the subject property or operate a cosmetology business at the subject property.

Mueller seconded, and the motion passed 4-0.

Sanders moved to accept the staff's Findings of Fact.

Mueller seconded, and the motion passed by voice vote.

Spoljaric returned to the proceedings.

0708-VS-024 2335 211th Street, Drew Colvin: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B5), to reduce the minimum road frontage from 250 feet to 130 feet in the AG-SF1 District.

Mr. Drew Colvin presented the details of the variance request, which would reduce the required road frontage in order to subdivide an existing parcel. He stated plans to impose restrictions on the smaller of the two parcels through deed restrictions. Colvin stated that the deed restrictions would not allow the construction of any structures on the subject property.

A Public Hearing opened at 8:13 p.m.

Mr. and Mrs. Saul Lemke expressed concern about property values and the possibility of a small house being constructed on the smaller lot.

Colvin responded that the proposed deed restrictions would prohibit any construction on the smaller lot.

The Public Hearing closed at 8:18 p.m.

Spoljaric moved to deny 0708-VS-024.

Mueller seconded, and the motion passed unanimously.

Sanders moved to adopt staff's Findings of Fact.

Spoljaric seconded, and the motion passed by voice vote.

0708-VS-25 110 South Union Street, James Anderson: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.08.010, D7), to increase the maximum projection of a wall sign into the public right-of-way from 18 inches to approximately six feet (6').

Ms. Keltie Domina presented the details of the variance request, which is to replace the copy in the current Keever's Hardware projecting sign.

Mr. James Anderson, owner of the building, further explained the variance request and the desire to keep the original Keever's sign but to change the face of the sign. He addressed each of the standards explained in the staff report. Anderson also discussed an additional variance which is necessary to replace the sign's copy.

Raines asked if neighbors had been contacted to gain their opinion of the request.

Domina responded that they had received positive feedback from neighbors regarding this request.

A Public Hearing opened at 8:45 p.m.

Ms. Melody Sweat spoke in favor of the approval of the variance.

The Public Hearing closed at 8:50 p.m.

Raines moved to approve 0708-VS-025 with the following conditions:

1. Update and replace all electrical wiring and conduit;
2. Update and replace all supports for the sign;
3. Obtain proper encroachment permits from Westfield Public Works.

Sanders seconded, and the motion passed unanimously.

Sanders moved to adopt staff's Finding of Fact.

Mueller seconded, and the motion passed by voice vote.

The meeting adjourned at 8:53 p.m.

Chairman

Secretary